

# REMARKS

The present application was filed on September 23, 2003 with claims 1-20. Claims 1-20 are currently pending in the application. Claims 1 and 17-20 are the independent claims.

In the Office Action, claims 1-5, 8, 10-12 and 15-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0060995 (hereinafter “Cervello”) in view of U.S. Publication No. 2004/0203889 (hereinafter “Karaoguz”). In addition, claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cervello in view of Karaoguz in further view of U.S. Publication No. 2004/0203698. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cervello in view of Karaoguz in further view of U.S. Publication No. 2003/0017858. Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cervello in view of Karaoguz in further view allegedly well known prior art. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cervello in view of Karaoguz in further view of U.S. Publication No. 2004/0052232. Finally, claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cervello in view of Karaoguz in further view of U.S. Patent No. 6,813,501.

With respect to the §103(a) rejections, Applicants note that for a valid §103(a) rejection, the reference or reference combination must teach or suggest all the claim limitations. Manual of Patent Examining Procedure, Eighth Edition, August 2001, §2143. Applicants respectfully traverse the §103(a) rejection of independent claims 1 and 17-20 on the basis that the Cervello-Karoguz combination fails to teach or suggest all the limitations of these claims as originally filed.

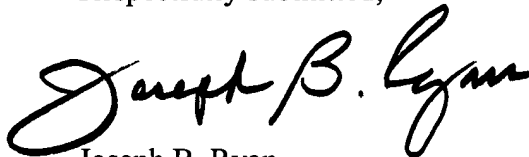
Notwithstanding this traversal, Applicants amend independent claims 1 and 17-20 without prejudice in order to expedite prosecution. More specifically, the independent claims are amended to explicitly recite that a test of a communication link between at least one of the user devices and the access point device comprises a determination of data throughput performance. Such an added limitation has support in the specification as originally filed, e.g., p. 3, lines 1-3; p. 6, line 27 - p. 7, line 5; and p. 8, line 12 - p. 9, line 2.

Applicants respectfully submit that the Cervello-Karaoguz combination further fails to teach or suggest the limitations added to the independent claims by the amendments. Therefore, Applicants believe that the §103(a) rejections of independent claims 1 and 17-20 should be withdrawn.

With respect to the §103(a) rejections of dependent claims 7, 9, 13 and 14 over Cervello in view of Karaoguz in further view of other references, Applicants submit that the other references fail to correct the fundamental deficiencies of the Cervello-Karaoguz combination with respect to amended claim 1. Dependent claims 2-16 are therefore also believed to be in condition for allowance for at least the same reasons as amended independent claim 1.

In view of the above, Applicants believe that claims 1-20, as amended, are in condition for allowance, and respectfully request the withdrawal of the §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

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